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THE PATH TO PEKIN

WILSON CAREY McWILLIAMS

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OUR CATHOLIC 'ENEMIES'

RICHARD B. GRIFFIN

CHILE IS NOT CUBA—OR IS IT?

ROBERT KUTTNER

SECURITY & SECRETS

ISIDORE SILVER

SCREEN: REVAMPING THE VAMP

COLIN L. WESTERBECK, JR.

THE STOREYVILLE PORTRAITS • DON'T SHOOT—WE ARE YOUR CHILDREN • THE RELIGION OF THE REPUBLIC

CORRESPONDENCE: **PACIFISTS, ZAHN AND ABORTION • LEAVIS ALONE**

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NEWS & VIEWS

The Schools' Crisis

The recent Supreme Court rulings barring state aid to parochial schools have the paradoxical effect of costing both the public and the private sectors dearly.

In Ohio, where an aid bill was awaiting final disposition when the rulings were handed down, the cost to Catholics figures to be between $65 million and $81 million, however the lower amount of the House and the higher recommendation of the governor's office were resolved.

In Massachusetts, on the other hand, the cost to taxpayers from school closings to date is already $100 million, and if the closings continue—an inevitability under the rulings—this cost will average "$75 million a year for the next five years . . . and hundreds of millions of dollars in the years after that." The estimate is from an official legislative study.

The public sector will survive its cost problem, of course; the private sector—well, that's another question. The parochial school system is a deficit operation now, and it's not going to take much to bankrupt it completely.

Pennsylvania's, in fact, may already be bankrupt, if the High Court rulings apply retroactively—an uncertain point at the moment.

In that state, aid to all schools, public as well as private, is set up on a reimbursement basis, payment being made on a quarterly schedule beginning in September for services rendered in the school year ended the previous June. This September, the parochial school system of Pennsylvania was to begin receiving $23 million for services rendered during the '70-'71 academic year; plans for '71-'72 were based heavily on the money being forthcoming.

Now that $23 million is in doubt. The money is in the treasury, carefully put aside from cigarette and horse-racing tax revenues. But under the new Supreme Court rulings, can it be paid out? The state's Department of Education has asked the state's Justice Department for a decision. As of July 26, none was forthcoming.

If reimbursement is not allowed, there may be more work this fall for carpenters boarding up Pennsylvania parochial schools than there is for teachers instructing in them. The Archdiocese of Philadelphia alone will be out $8.9 million; the Diocese of Pittsburgh, $4.9 million. The parochial school system is operating too close to margins to be able to take losses like that without wholesale closings.

Thus the final paradox of state aid doing-in much of what it was supposed to preserve by having fostered a reliance on funds suddenly no longer there. And in the state, to boot, which ostensibly was the model of all that was possible under law in the way of state aid.

Business' Blessing

Leave it to capitalism to see a silver lining in the parochial school crisis.

Women's Wear Daily informs in a front-page piece that the parochials' loss is going to be the clothiers' gain.

Fewer children in parochial school will mean fewer children in school uniforms, and thus more business for back-to-school clothing merchants. That's the logic of the thing.

Women's Wear Daily sees a $1 to $2 million bonanza for manufacturers and retailers. Instead of spending $20-$30 for a school uniform, says *WWD*, parents of from 88,000 to 220,000 students (its estimate of September's pupil transfer to public schools) will now be paying out $50-$70.

What's more, "that does not include a coat, shoes, underwear or accessories."

Exporting Indigestion

It's not at all certain that the U.S. is getting the dirty end of the stick in the U.S.-Japanese trade battle.

Steel, textiles and Sony TVs may be coming our way, but look what Japan's getting: McDonald's, Burger Chef, Colonel Sanders' Kentucky Fried Chicken, Howard Johnson's, Dairy Queen, Dunkin' Donuts, Crackerjacks and Wrigley's gum.

These are just some of the American contributions to civilization that will appear soon in Japan under new tariff regulations allowing U.S. business development there.

There'll also be Kraft's Velveeta, Foremost-McKesson ice cream, Sunshine Biscuits, and for hungry Japanese cats and dogs, Purina Taiyo Pet Chow.

A new era in U.S.-Japanese relations is opening, obviously—with prospects of profits for U.S. firms and indigestion for Japanese people.

More Demurrers

The stirrings against the military system continue among U.S. Catholic clergy.

Twenty-seven Jesuits studying at St. Louis University have announced that they are ending cooperation with the Selective Service system. They'll no longer carry a draft card and no longer accept their 4-D exemption.

Meanwhile, in Memphis, Bishop Carroll T. Dozier appeared before the local draft board to help obtain CO classification for a young man.

This generation of draftees has been psychologically bombarded by the media, said Bishop Dozier. "For the last 10 years, these youngsters have seen bodies blown up. They've seen human revulsion of this type of thing. They don't have to be religious to have ethical and moral principles against war."

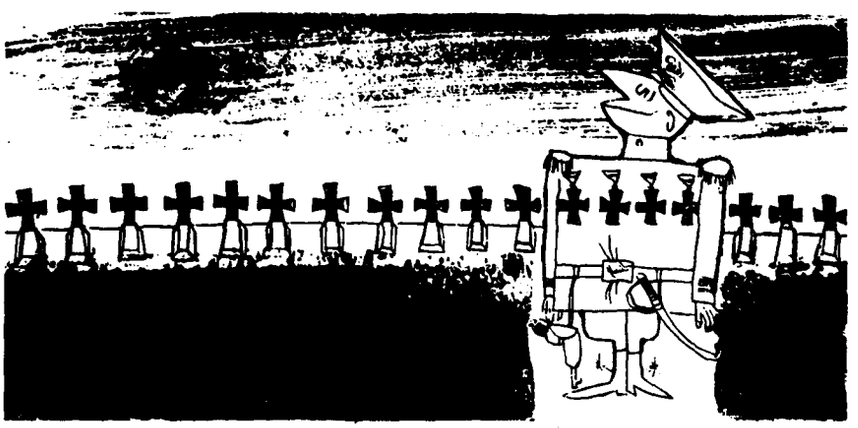
Besides, added Dozier, "is the involvement in the Vietnam war really for the good of the country?"

Odds and Ends

—The newsletter *Overview* relays the following headline from the Dayton diocesan newspaper: "Baby Shower for the Holy Father Highlight of Unity Deanery Meeting."

—The Cambodian army's spokesman is Lieut. Col. Am Rong . . . a name which seemed hard to top until, in the flap over the Pentagon Papers, the Justice Department's information officer was introduced as John W. Hushen.

JOHN DEEDY



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CORRESPONDENCE

Pacifists and Abortion

Basking Ridge, N.J.

To the Editors: I was very pleased to read Gordon Zahn's article, "A Religious Pacifist Looks at Abortion" [May 28]. I have long waited to hear some word from the peace community on the immorality of "fetal termination." I am not surprised that the word should come from Dr. Zahn, a man whose acute intelligence and high degree of moral sensitivity are well known and reflected in his many writings. As a fellow Christian pacifist I commend him on his excellent job of applying the pacifist ethic to this most crucial problem.

TIMOTHY H. BIEBER

New York, N. Y.

To the Editors: As a celibate woman, may I congratulate the celibate male Dr. Zahn for his article on abortion. It was as beautiful in its respect for life as in its flawless logic. Though not a pacifist myself, I could accept every word of it as, I believe would St. Thomas who authored the just war theory (and who would certainly not include the Vietnam war in that category). I have had the same difficulty with many of the arguments of the Women's Lib movement, though I would like to classify myself amongst them since I believe in equal job opportunity, equal pay for equal work, and equal roles in the church (though I am quite satisfied with my own).

Women, however, are not the only ones who lack logic on the respect for life point. Last year in Albany at a press conference, I listened to a Manhattan assemblyman proclaim that they had pushed through the abortion law (one which most intelligent people see as badly in need of repeal) and they would now get the awful waste of life in Vietnam declared unconstitutional. Recently I listened to a young girl who was having an affair with a married man with wife and four children tell

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CHINESE CHECKERS

The initial surprise at President Nixon's announcement of a trip to China has worn off, and the world is waking up to the vast and complex possibilities this apparently simple gesture has opened up. Elsewhere in this issue, Wilson Carey McWilliams suggests a number of *caveats* about the new China diplomacy. For all that, the thing is far better done than not done; and if the electoral system rewards Mr. Nixon for his initiative—an outcome which is not a bit certain, given the history of past Presidential electioneering by way of foreign travel and the overriding importance of other issues like the war and creaky condition of the economy—well, so much the better for the electoral system. This time, Mr. Nixon had the modesty to let someone else (the Secretary General of NATO) declare the event "one of the great moments in world history"; one needn't go that far to see it as a major turning-point in postwar diplomacy.

The riddle, as Mr. McWilliams points out, is when is a turning-point a turning-point, and when is it only a mischievous merry-go-round. There are a number of obvious short-range goals the President may have in mind: pressuring the Russians on disarmament and the Middle East; gracefully acceding to Peking's entry into the UN; dodging the North Vietnamese peace offer; getting re-elected; recapturing presidential initiative in foreign policy-making. Not all these goals are as equally advantageous to the U.S. and world peace as they are to the President. Bismarckian statecraft, in its peacekeeping rather than expansionist phase, was after all rather stable; and to the extent that Bismarck and his successors grew too fancy (apart from the disaster of tolerating an unchecked military establishment) they gave the world two generations of war following the one of peace.

The President, as he certainly realizes, possesses a unique opportunity. I. F. Stone once commented on how lucky the Chileans were to have a GOP Administration in Washington, since a Democratic President would be under the pressure of anti-Communist warcries issuing from a Republican opposition. The same can be said in the case of China. But the opportunity will be lost if Mr. Nixon's flexibility is not accompanied by some long-range policy determinations—about China's rightful role in world politics, about the Soviet Union's intention no longer to be the number two power it was at the time of the Cuban missile crisis, about Japan's place in the Far East and its potential as an industrial competitor with the U.S.; about the still

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spiraling arms race; and—above all—about America's role in Southeast Asia. It is deeply disturbing that the China announcement has distracted attention from the issue of ending the war in Vietnam and from the peace offer with which Hanoi called Mr. Nixon's bluff on the P.O.W. question. If the opening to China helps to end the war, good; certainly it leaves the official rationale of the war in further tatters of tatters. But if summitry with Mao is meant as a substitute for settling in Vietnam, it will only be covering the gaping cracks in the plaster of our foreign policy with wallpaper.

BIRD OF PREY

The word Phuong Hoang, we are told, is the Vietnamese name for a mythical bird which brings tidings of peace. That fact should satisfactorily explain why, in this perverse war, such a creature should be the symbol for a program of official terror and assassination, known in English as Operation Phoenix. Since 1968, when the operation was finally set in place, Saigon's secret police have done the dirty work—with the help of over 300 operatives of the CIA, however, which guides the program, provides air transport, and (naturally) pays the bills.

Operation Phoenix has killed 20,000 people so far. They are charged with being part of the Vietcong underground, although officials connected with the program admit that sometimes they are only enemies of the local politicos or women and children caught in the crossfire. These, of course, are acknowledged as "unjustifiable abuses" and, like everything else in South Vietnam, will soon be corrected.

Such executions occur, we are also told, only when the fingered Vietnamese resist arrest. A good thing, too, since murdering civilians without trial is generally held in ill repute. We wonder, however, if the program's power to jail people without evidence or charges and to hold them for two years without trial, let alone the possibility of, shall we say, extraordinary interrogation methods, might have anything to do with the tendency of the Vietnamese to resist arrest.

The Administration worries about a postwar bloodbath in Vietnam. Presumably it has provided Operation Phoenix so that we can have a good idea of exactly what such a phenomenon would look like. "Preventative Bloodbath," the Attorney General might call it.

LIGHTED CANDLE DEPT.

It's better to light one candle than to curse the darkness, the Christopher movement has long assured us, and we're sure it is at least more popular. The inclination to kill the bearer of bad news did not die out with the ancient Greeks. And for a journal of opinion this is too bad, for almost by definition such magazines spend a good part of their time viewing with alarm. Heaven knows too that there's enough darkness around to keep us busy—from polluted streams and poor leadership, religious and secular, to international tension and nuclear proliferation.

For that very reason, therefore, it is nice to be able to salute some good news for a change, even if it is not on a world-shaking scale. Ever since the showing of "The Selling of the Pentagon" by CBS-TV, Congressman Harley O. Staggers, chairman of the House Commerce committee, has been trying to cite the network's president for contempt of Congress for his refusal on First Amendment grounds to provide the unused film from the documentary for Congressional scrutiny. The reasons why CBS president Dr. Frank Stanton was right in his refusal and Congressman Staggers wrong are legion, but the early prognosis in the case was nonetheless not very good. Right or wrong, Congress normally goes along with its committee chairmen in such matters, and things did not look good for Dr. Stanton—and the constitutional cause of freedom of the press. This time, however, in the light of the Supreme Court decision on the Pentagon Papers, Congress reversed itself, voting 226-181 against citing Dr. Stanton, a distinct and unusual rebuff to Chairman Staggers. This meant a clear victory for CBS and even more for the traditional protection of freedom of the press, this time the electronic press. We light one candle.

BACK IN THE STRADDLE

C. L. Sulzberger recently described how the U.S. follows a "straddle" policy toward the apartheid government of South Africa: on the one hand, Washington denounces apartheid in philosophical and moral terms; on the other hand, the U.S. maintains diplomatic and economic ties with the object of our opprobrium. In the concrete, this involves a $4.8 million sugar subsidy, a NASA space tracking station, support for South African gold, no pressure against and some encouragement for U.S. firms investing in South Africa, etc. In similar ways, Washington "straddles" the fence between Portugal and the native liberation movements in its African colonies.

A straddle is a straddle is a straddle, so why don't we try an alternative policy, say, for years ending in even numbers. During those years, Washington could formally announce its moral and philosophical disapproval of the ends and methods of African black liberation movements. At the same time the U.S. would supply them with $4.8 million in subsidies, raise money for their arms purchases, support their propaganda efforts, etc. That, we think, is only a modest proposal.

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NIXON A SINISTRA

THE PATH TO PEKING

The Administration's policy of seeking normal diplomatic relations with China is so obviously sensible and so long overdue that most Americans will probably respond with a mixture of hope and relief. Of course, President Nixon's decision to go to Peking himself was a not very subtle piece of electioneering, but one which it is easy to forgive or even welcome. That it should be an electoral *advantage* for an American President to chat with Chou and Mao—a Republican President, moreover, schooled in the era when the "loss" of China was a major issue—certainly shows that Americans have rejected the more pathological forms of Cold War ideology. Governor Wallace may pick up a few die-hards, but the China Lobby and the Committee of One Million are effectively dead as factors in American politics.

But the desirability of diplomatic ties with China does not demand approval of the Administration's policy. Many roads lead to Peking, and the choice of route is determined by one's ultimate objectives; Peking, unlike Rome, is a way-station, a means and not an end. When Marshal Ky welcomed the forthcoming visit as promising that China would make Hanoi see reason, he indicated how diverse those objectives can be. And while the imaginations of U.S. policymakers are soberer than Ky's, they have their own elements of fantasy. U.S. policy may have changed its tactics, but it is still based on a view of world politics that makes its shrewdest calculations, in C. Wright Mills' phrase, the realism of crackpots.

In the first place, the timing of the President's announcement was almost a studied affront to Japan. As an Asiatic great power, Japan has a more intense interest in China than the United States can ever have. Moreover, a series of Japanese governments, of which Premier Sato's is only the most recent, have loyally supported American policy toward China, often to their own cost in domestic politics. Aside from giving Sato's opposition a valuable card, the Administration has suggested to Japanese leaders generally that it regards Japan as nothing more than a cart behind the American horse. Undoubtedly, the Japanese were "informed" of the new developments, but that is hardly adequate. Minimal respect for Japanese interests and dignity would have allowed Tokyo to make the first moves toward diplomatic reconciliation. I doubt that we would ever have committed the same gaffe in Europe, and Japanese leaders are bound to feel that they have been made the victims of a racism which cannot take non-white allies seriously and of a rather cheap bit of American domestic politics. Permitting the Japanese to take the first steps would have deprived Mr. Nixon of his dramatic triumph in the role of a statesman, and American voters might have been less enthusiastic if the President had seemed to follow Japanese leadership and pressure. But perhaps such tawdry effects are more than the United States can afford in international politics.

Even more serious is the impact of Administration policy on American relations with the Soviet Union, and here the issue is substance as well as style. China's willingness to abandon her own intransigent stance toward America, which will cost her something as a symbol and a leader of revolutionary militancy, is, as Harry Schwartz pointed out, almost surely due to fear of the USSR. It is also no secret that the Soviet Union has at least an equal fear and distrust of China. To students of military power, Soviet fears may simply seem neurotic—"paranoid," Senator Jackson called them—but there is no denying that the fear exists. As we have every reason to know, anxiety about her security has been the key to Soviet foreign policy from 1917 to the present. And past history and present practice suggest that Soviet fears may be less "unrealistic" than official American ideology claims them to be.

What the Soviet Union has distrusted in China is not her present military power, or even her potential power, so much as the conviction that China would allow herself to be used by the United States as part of a new strategy of encirclement and of divide-and-conquer. And it is just such a design which constitutes the core of Administration policy; that the Chinese may prove to be less pliable than Russia fears or the government hopes is obvious, but that does not change the character of the policy itself. There were, after all, several ways of approaching China without threatening American-Soviet relations. The United States could, for example, have made its approaches through Moscow or, at least, an Eastern European state friendly to the USSR. The fact that our courtship of China involved an avid wooing of Rumania, a state at odds with the Soviet Union, has given the Russians every reason to believe that the United States saw its advances to China as part of a general threat to the Soviet position.

I doubt that this was simply the result of maladroitness. Nixon's record establishes him as an anti-Communist ideologue, though a flexible one. For the anti-Communist, the Soviet Union, as the most powerful Communist state, must always be the "real" enemy. It is no more inconsistent for Nixon to deal with Mao than it was for Hitler or Churchill to ally with Stalin. By contrast, it would have been inconsistent for the ideologues of the Johnson Administration to do so, for

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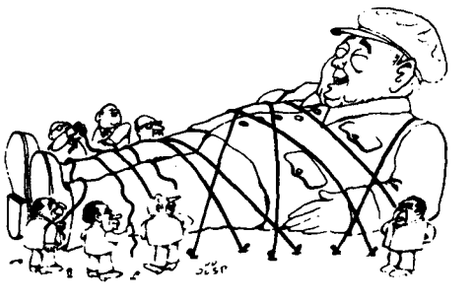
their preoccupation was not so much with anti-Communism as it was with security and stability; for them, the real antagonist was the most militant, rather than the strongest, Communist state. (Though having failed to defeat the tactic of liberation war in Vietnam, the "security managers" may be willing to try the policy of attempting to "domesticate" China.) Mr. Kissinger, as the President's chief advisor, has his own view of the world, and ideology probably is a less important consideration for him. But Kissinger's devotion to historical models of statecraft and balance-of-power diplomacy agrees with Nixon's in emphasizing opposition to, and the isolation of, one's most powerful rival.

Balance-of-power doctrine has a measure of academic respectability—tinged heavily with romantic nostalgia —but the theory was always imperfect as a guide to policy. When Admiral Tirpitz argued that a more



powerful German fleet would encourage the British to make terms with Germany, his ideas made sense within the strict, mechanical limits of balance-of-power theory. The Administration's plan may have a similar aim, hoping that the threat of good relations with China will make the Soviet Union more eager to conciliate the United States, for Nixon is apparently sincere in his hopes for the disarmament talks. But there is no guarantee that the new policy will have any more success than navalism did in Germany.

It is not important to ask whether the balance-of-power theory accurately describes international reality. When any state as powerful as the United States *believes* in a given description of the world, it tends to *create* the international order it presumes to exist. (Just as Soviet fears of a Chinese-American rapproachment have helped to produce it.) And the balance-of-power doctrine discourages, by its vaunted flexibility, any international agreements which require firm or long-term commitments or which demand a large element of trust. It predicts, and helps to create, a world in which each state must look to its own security.

There is a sense in which that image of international politics is adapted to the new environment of American politics. Domestic pressure alone has weakened the monolithic concern for American commitments that once characterized this Administration as much as its predecessors, and if Mr. Nixon has adopted elements of the theory of balance, such considerations probably played a major role in inducing him to do so. Certainly, one result of Vietnam would inevitably be a tendency on the part of Asiatic states to minimize reliance on American protection, which may have encouraged the Administration to slight Japan (or more defensibly, Nationalist China or South Korea). But there are reasons for trying to limit, rather than increase, the impact of such forces on international politics.

Most obvious, of course, is the problem of disarmament. If the Soviet Union sees the American-Chinese rapproachment as a threat to her own security, as she almost surely will, then her response is likely to be the attempt to strengthen Soviet defenses. At the very least, it will lessen Soviet willingness to make major commitments to disarmament. (A mad rationalist, mindful of Secretary Laird's eagerness to develop new and better missiles, might see Nixon's Asian policy as part of a *design* to scotch disarmament, and there are elements of lunacy in Soviet, as well as American, rationalism.) It is also too likely that the Soviet Union will attempt to create counter-threats in areas of American vulnerability like the Middle East. And beyond the Russian reaction lies the encouragement unquestionably given by Administration policy to those in Japan, India and other states who have urged the development of a national nuclear deterrent as insurance against American unreliability.

There is an additional problem. Mr. Nixon has committed himself, evidently, to seeking re-election as a peace President, a goal desirable in itself. But the President's passionate devotion to his own electoral fortunes is hardly a domestic secret. It is bound to tempt Peking, Moscow, Hanoi and Cairo to see how much the President will pay for the international tranquility which his prospective platform relies on. That is less a comment on the policy than on the man, but Nixon's eagerness to appear a man of peace may encourage others to try the effect of a threat of force. There too, the man is a danger; such possibilities are frightening given the President's unpredictability when his laboriously evolved schemes and precarious self-esteem are threatened by unforeseen events.

Nixon, like his latest policy, sets great store by flexibility. But the line between flexibility and insecurity is perilously narrow, especially in a world where change and menace are the primary facts of life. The great task of policy is to create a world in which men and states can have some measure of genuine security, not to play for petty advantage in an international game of hazard. The promise of normal relations with China is that they may be a step toward the reduction of tension and terror. And the danger of Administration policy is that it can, so easily, turn that promise into one ingredient in a new, but dreadful, international nightmare.

WILSON CAREY MCWILLIAMS

(Wilson Carey McWilliams, a frequent contributor, teaches political science at Rutgers University.)

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SECRETS AND SECURITY

Postscript to the Pentagon Papers

RICHARD B. GRIFFIN

For those of us who view national security as an important, though not exclusive, concern, the Pentagon Papers imbroglio can only be analyzed as a case study of contemporary political insecurity—an insecurity which has debased the coin of American political thought and deed in this age of anxiety. The problem is both complex and elusive. What is total security? What—and who—must be sacrificed to achieve it? Who is to define it? Is there a "security mania" about the land and how many of us are participating in it? The government has hinted it may press criminal charges against the journalists involved in publishing the documents; a Boston federal grand jury is currently investigating the matter. The recent Supreme Court ruling may be only the jumping-off point and not the conclusion of this profoundly important controversy.

Obviously, to the Administration "national security" in the *Times* case meant something more than an imminent and substantial threat to the national existence. It encompassed conduct which in some unforeseeable manner may have posed a threat not only to existence but also to our preeminence as a world power. One troubled judge of the 28 involved in the various cases felt that publication could have threatened embarrassment "in the whole diplomatic area." As Justice Brennan said in his concurring opinion: "The entire thrust of the government's claim throughout these cases has been that publication of the material . . . 'could' or 'might' or 'may' prejudice the national interest in various ways." He found that the definition was too constitutionally broad:

> But the First Amendment tolerates no prior judicial restraints of the press predicated upon surmise or conjecture that untoward consequences may result. . . .
>
> Even if . . . the power of presently available armaments would justify even in peacetime the suppression of information that would set in motion a nuclear holocaust, in neither of these actions has the Government presented or even alleged that publication . . . would cause the happening of an event of that nature. . . .
>
> Thus, only governmental allegation and proof that publication must inevitably, directly and immediately cause the occurrence of [a calamity can suffice].

Other Supreme Court Justices agreed, although in less sweeping language. Although Justice Stewart felt that "the executive is correct" in arguing that some documents damage the "national interest" (which he defined more broadly than pure "national security"), he found that disclosure would not "result in direct, immediate and irreparable damage to our nation or its people." Justice White, the other "swing" vote, lamented the likely effect upon, "and substantial damage" to, what he called "public interests." Justice Black as usual, went further and dismissed the security argument in free speech cases: "The word 'security' is a broad, vague generality whose contours should not be invoked to abrogate the fundamental law embodied in the First Amendment." Thus, for a majority of the present Court, the national security appears to be a specific term not coincident with the national interest, and, in the area of the First Amendment, the alleged injury must be something more than possibly or even probably "grave" and "irreparable." There is an obvious difference between the Administration and the judiciary (and hopefully the

ISIDORE SILVER *is Chairman of the Department of Government and Economics at John Jay College of Criminal Justice in New York.*

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rest of us) concerning the very definition of national security.

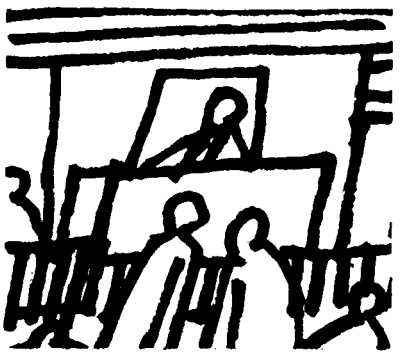
The next question is whether the executive branch of government is to have the exclusive right to judge whether the national security (whatever its definition) has been violated and whether that judgment is required to be accepted by Congress and the courts. That particular assertion—"It is the executive who must be the sole judge of which [document] the public interests will permit publication" (quoting Thomas Jefferson)—was made by the government in the Second Circuit Appeals Court but abandoned in the Supreme Court. The "exclusivity" theory lies at the heart of John Mitchell's belief that considerations of national security allow the executive to electronically survey dissident domestic political groups and individuals without court orders and without specific congressional authorization (a position rejected by lower federal Courts and presently before the Supreme Court). The Supreme Court in both the *Times* case and in the *Youngstown Sheet and Tube* case almost two decades ago have seemingly repudiated that doctrine, insofar as domestic, rather than foreign, affairs are concerned. As Justice Black said this June 30th, "To find that the President has 'inherent power' to halt the publication of news by resort to the courts would wipe out the First Amendment and destroy the fundamental liberty and security of the very people the Government hopes to make 'secure.' " One hopes the courts will continue to reject the "security" rubric in the whole range of cases in which its assertion has become automatic.

Yet unadjudicated is whether the present criminal statutes heavily (and unsuccessfully) relied upon by the government can constitutionally be used to punish the *Times* or its editors. Title 18 §793 (e) of the United States Code reads in pertinent part:

> Whoever having unauthorized possession or access to, or control over any document . . . or note relating to the national defense, or information relating to the national defense which information the possessor has reason to believe could be used to the injury of the United States or to the advantage of any foreign nation [delivers such information] to any person not entitled to receive it [is guilty of a crime].

Several of the Justices in the majority hinted that the proper course for the government to have taken would be that of criminal prosecution for violation of this statute. Of course, the government could argue that publication of any "document" *classified* as "relating to the national defense" could be criminally prosecuted, whatever its origin, its true relationship to national defense, and its importance. Although the law could be so narrowly read, Judge Gurfein—the only jurist who dealt with the issue at all—noted that the "injury" and "advantage" provision was "an essential element of the offense" under the section. Justice White stated that he would endorse the "wider net" of this statute and that he would reject the argument that the term "national defense" was too vague. Various lawyers in the *Times* case argued that §793(e) was either (a) not applicable because it omits the word "publish" or (b), if applicable, unconstitutional because of vagueness. Judge Gurfein's District Court opinion agreed with (a) on the ground that "this is truly an espionage section" prohibiting only "secret or clandestine communication . . ."

If prosecution under this section is to occur, will the Court minimize its own precedents calling for specificity in criminal statutes and narrowness of scope where First Amendment rights are involved? There is considerable sweep to the language (e.g., "any document"; "relating to") that should place it in jeopardy; also, if the



passage about "injury" and "advantage" is deemed to be an essential part of the statute, then what are we to make of its mystical and cryptic proscriptions? What kind of "injury," economic, military, diplomatic, etc., does this clause refer to? What kind of "advantage" to a foreign nation is envisioned? What does the statute mean when it talks of the possessor's "reason to believe"? These ineffable terms surely deserve serious scrutiny, but, one wonders, will some of the conservative Justices find greater than normal leeway for laws relating to the national security, especially since they arrive at the court with Congressional sanction? Will they stretch an "espionage" statute to cover this form of "sedition"—an endeavor which Judge Gurfein refused to endorse?

Another vital "security" question involves the calculated determination of this Administration to bring bad cases in bad (or at least, questionable) faith to intimidate those who are perceived to be its enemies, an increasingly widening array. For a "law and order" Administration (although one opposed to "a wave of legalisms" to cite John Mitchell's recent complaint about the criminal justice system), the cynical propensity to sacrifice "law" to "order" is pervasive. Despite both the ill-advised injunction against the Vietnam Veterans against the War and its even more controversial withdrawal (for which the Administration was castigated by an angered federal judge) and despite the wave of dismissals of those arrested in the Mayday dragnet round-

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ups, Richard Nixon continues to regard his role *vis à vis* his political enemies to be that of Commander-in-Chief protecting America from "pitiful, helpless" giantism. The cynicism of the Justice Department in these cases (and in others) is matched by the continual harassment of the mass media, and persistent use of the courts as instruments of political power. To its credit, the judiciary has responded well, but, unfortunately, even bad faith prosecution of bad cases must be treated with the same seriousness, deliberation and delay that characterize the judicial system in general.

Of course, the problem does not solely reside in the *persona* of Richard Nixon. The conflict between the Executive's perception of national security and judicial disenchantment with the vague definitions and criteria involved has perplexed our democracy from the beginning. "Strong" Presidents and some not so strong have often attempted to insulate their actions from judicial scrutiny, and the judicial response has been vacillating. It is ironic that Hugo Black, the vigorous defender of free speech in the *Times* case and of property rights in *Youngstown,* led the Court in gracelessly acceding to clear violations of the Bill of Rights in the Japanese detention cases some three decades ago. The early Constitutional decisions about the Smith Act and other anti-Communist legislation of the '40s and early '50s also mirror judicial disinclination to interfere with the political process, when considerations of national security are asserted.

Yet, it is clear that the rubric of national security should have no greater weight than other historical rationales for impairment of free speech and press. At various times governments have sought to abridge speech on the ground of treason, libel, and sedition. At one time, the jury was told that its function in a libel case was solely to determine whether the offending statement was uttered; the judge, in essence an official of the government, determined whether the assertion was libelous. At one time in Anglo-Saxon jurisprudence, it was asserted, "the greater the truth, the greater the libel." The laws and law cases in which these doctrines were struck down are well known; the laws and law cases in which the term National Interest will be abolished and the phrase National Security severely curtailed are yet to come.

They must come and the judiciary must play its role, inevitably a major one in determining, as Madison admonished in *The Federalist #51*, whether government will be obliged "to control itself." The *Times* case, with its uninformative precedent—the laconic *per curiam* decision—only held that the government had not met its high burden of proof to warrant prior restraint. And its battery of conflicting opinions is only the beginning of what will doubtlessly become a series of landmark battles involving the determination of who shall control the most precious of resources in a modern society, access to information.

When courts in the future are called upon to delimit the executive power in general and, more specifically, in relation to information, they must be aware that approval of broad exercise of power inevitably carries with it the sanction for such exercise. As Eugene V. Rostow, former Dean of the Yale Law School, wrote in a devastating analysis of the Japanese internment cases, judicial approval of curfew and exclusion provisions promulgated by the military during wartime "converted a piece of war-time folly into political doctrine and a permanent part of the law." When the government asks a court to assume that a "document" relates to the "national defense" without further inquiry (as it initially did in seeking the *Times* injunction, and as it may well do again in a criminal prosecution) the court cannot—in Rostow's words—uphold "an act of . . . power without a factual record in which the justification for this act was analyzed." That power, as Justice Robert H. Jackson said in dissent in one of the Japanese internment cases, "lies about like a loaded weapon ready for the hand of any authority that can bring forth a claim for an urgent need."

In a Sense, Disappointing

The *Times* decision is, in a sense, disappointing, for it only deals with the narrow issue of prior restraint. If the Administration chose to become vindictive, it might well succeed in a criminal prosecution—and five of the present Justices of the Supreme Court might well concur. Although prior restraint lies at the heart of our forefathers' concept of the First Amendment, at this time in our Constitutional history it is too late to argue that later punishment (or its threat) does not "chill" free speech effectively. The strong aversion of those six justices to prior restraint should be matched by a reluctance to tolerate retrospective censorship as well.

When military or diplomatic necessity ("reasons of state") is utilized to justify punishment for exercise of a Constitutional right, courts become singularly ill-equipped to deal with such a claim. Had the three dissenters in the *Times* case prevailed, it would have been returned to a federal District Court for a "full" hearing on the issue of national security. What manageable standards would have been applied to such a hearing? How would the question whether "the destruction of alliances" would result (a phrase employed by a Circuit Court Judge) be resolved and what kind of proof would be appropriate? How can future criminal prosecutions be handled? As the Supreme Court tightens the standards for the determination of the meaning of national security, will the government's rhetoric simply escalate? A criminal trial must be held in public and not *in camera*: How precisely can witnesses testify to impairment of national security, when such impairment would obviously occur in the trial process itself? When Justice White said, "To

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sustain the Government in these cases would start the courts down a hazardous road that I am not willing to travel . . . ," is he not merely postponing the date of the trip?

Ultimately, the principled judge may have to agree with Justice Jackson in the Japanese internment *Korematsu* case. In a noteworthy dissenting opinion he said:

> I should hold that a civil court cannot be made to enforce an order which involves Constitutional limitations even if it is a reasonable exercise of military authority. The courts can exercise only the judicial power, can supply only law, and must abide by the Constitution, or they cease to be civil courts and become instruments of military policy.
>
> My duties as a Justice as I see them do not require me to make a military judgment as to whether General DeWitt's evacuation and detention program was a reasonable military necessity. I do not suggest that the courts should have attempted to interfere with the Army in carrying out its task. But I do not think that they may be asked to excute a military expedient that has no place in law under the Constitution. I would reverse the judgment [of conviction] and discharge the prisoner.

The reader who has borne with me this far can make the appropriate substitutions such as "diplomatic" for "military" and "executive" for "General DeWitt" and "Army" and can substitute his own judgment for Justice Jackson's in determining whether he would "interfere" with a given program if he were a judge; the fundamental question whether "reasons of State" can abridge fundamental Constitutional rights will still be present. It may be bad legal and political form to suggest either that judicial disdain is appropriate to an analysis of the National Security or that the First Amendment, under these circumstances, may well be "absolute," but they are questions which, though unrecognized by the present Administration, promise to plague all of us in the wake of the *Times* case.

OUR CATHOLIC 'ENEMIES'

Encountering the church of North Vietnam

RICHARD B. GRIFFIN

The most dramatic Mass I as a Catholic priest have ever celebrated took place in Paris a few weeks ago. In a meeting room belonging to the parish church, St. Germain-des-prés, I joined with two priests from North Vietnam, one from South Vietnam, and several other Americans in a unique Eucharistic concelebration. It was the first time since 1954 that priests from the Catholic church in North Vietnam had visited the West and surely the first such collaboration in the church's most solemn prayer.

To me it was high drama to exchange the kiss of peace with those whom my government calls enemies. In the prayer of the Mass which comes just before this exchange, the South Vietnamese priest, Fr. Nguyen Dinh Thi, reminded God that the Vietnamese people for twenty-five years have not possessed peace. It was inevitable that I should have reflected on the role of my countrymen in denying them that peace.

Painful awareness of the ravages done the Vietnamese by United States armed forces did not inhibit, however, the gestures by which we shared peace with one another. The two priests from North Vietnam embraced me and the other Americans with great respect and affection. They took the initiative in showing that we are not enemies, but brothers. For me it was an inexpressibly moving experience to establish such human contact with colleagues from whom we have been so long separated.

Our reason for being in Paris was participation in a peace meeting entitled "Assembly of Christians in Solidarity with the Peoples of Vietnam, Laos, and Cambodia." The concelebration was only the climax to three days of intensive exchanges of information. We were anxious to assess the prospects for peace, and especially the potentiality of establishing effective contacts between the Catholic church in Vietnam (both North and South) and the American Catholic church.

Most American Catholics are not aware that the Catholic church in North Vietnam even exists. Some of us remember the great exodus from North to South that followed the Geneva Accords of 1954. We forget that at least half of the Catholic population decided not to leave the North. Many of us wrongly presume that the Communist government of Hanoi has not allowed the church to survive.

The two priests with whom I talked claim that the Catholic church in North Vietnam is not only alive but well. In size, the church is somewhere over a million members. According to Father Ho Thanh Bien, a pastor in Hanoi, "religions are really respected" by the govern-

FATHER RICHARD B. GRIFFIN, S.J., *is with the Harvard-Radcliffe Catholic Student Center.*

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ment. This enables the normal activities of the church to proceed as usual. Masses are celebrated on a regular basis, while baptisms and marriages are as much a part of Catholic life in North Vietnam as in other countries.

In the days following the International Assembly, I had the opportunity to meet with members of the Hanoi delegation to the Paris Peace Talks. In a conference at Choissy-le-Roi, the town outside Paris where the North Vietnamese delegation lives, Xuan Thuy spoke of his government's respect for religion. He called attention to the provision of the North Vietnamese Constitution which respects the freedom of each religion to practice its own cult. A strong sign of the government's commitment, he claimed, has been the aid which it has furnished local communities for rebuilding many churches, temples, and pagodas destroyed by American bombing.

Conversation with my two priest colleagues revealed further facts about the church in North Vietnam. The bishops are twelve in number, supported by some three hundred priests, and two hundred nuns. The only major seminary in operation is located in Vinh, a city with a large Catholic population. From this seminary about fifteen men are ordained each year. But Father Ho, and his companion, Father Nguyen The Vinh, complained about a shortage of priests.

The relationship of the Catholic church in North Vietnam to the Vatican remains unclear. Certainly the Catholics consider themselves Roman Catholics. Rome, so it seems, has a major part in the appointment of bishops. This was true of the recent selection of the new bishop of Vinh. But no bishops from North Vietnam took part in the Second Vatican Council, nor, as far as I could tell, are there any plans for sending a delegation to next fall's Synod in Rome.

The Vatican has not had an apostolic nuncio in Hanoi since 1955. However, contact between the two may well be maintained in ways that have not become public. It is perhaps significant that I heard no criticism of the Pope or Rome from my two North Vietnamese colleagues. One might have expected something different in view of the Vatican's apparent tolerance of the official United States position on the war.

The data which I have reported here are not particularly new. American visitors to Hanoi have brought back some of the same information. In his *New York Times* articles at the end of 1966, Harrison Salisbury described his contacts with Catholics in Hanoi and other parts of the country. His book, *Behind the Lines: Hanoi* expands this report with special emphasis upon the effect which American bombing has had upon the Catholic community. The eloquent Jesuit, Daniel Berrigan, in his *Night Flight to Hanoi* also details his contacts with the church there.

Father Ho gave some statistics to highlight the destructive effects of United States air raids on the life of the church in his country. According to his figures, the number of churches destroyed or seriously damaged comes to 475. At least one bishop, five priests, and five nuns have been killed. This leaves out of account the numerous lay members of the church killed and wounded, and the massive disruption of ordinary life. One evidence of such disruption, Father Ho reported, has been that people go to church for daily prayer only at times when air raids are not likely.

Need for Caution

Many Americans have become aware that another and contrary effect of bombing is to forge a strong unity among the people of a nation under attack. This seems to have happened to the church as well. North Vietnamese Catholics have been forced into a strong community because of the need to resist. "In resisting American aggression," Fr. Ho said, "we are doing our Christian duty." Common crisis seems to have minimized problems which the church might otherwise face in its relationship with the government.

Still, it would be naive to imagine the position of the Catholic church under the Hanoi government as ideal. Salisbury's caution is a realistic one: "I had talked often enough with religious leaders in other Communist countries to know that one must always assess their remarks with care. After all, they have to live and work and carry on the faith under difficult conditions." Some of the information which I learned in Paris bears out the need for caution.

Xuan Thuy, for example, indicated rather clearly that religious leaders are not allowed to stand in opposition to government policies. He distinguished two groups of Christians: those who had been active fighters for liberation and those from former French regions who were opposed to the government. He claimed that the latter group has gradually come around to see the wisdom of governmental policies. It is simply impossible to know what repression may have been at work in this conversion.

Though we met in an atmosphere of mutual trust, I was conscious that the two priests from North Vietnam came to Paris with the approval of the Hanoi government. Both of them are obviously strong supporters of official government policies; one of them is in fact a member for life of the National Assembly in Hanoi. Some of their remarks I found difficult to evaluate. They said, for example, that they have no desire for their bishops to participate in the Synod in Rome because they are "very conservative, divorced, and isolated from the government, and will follow the American line." One suspects that a good deal of hidden tension must lie behind this remark.

The question raised here is inevitably complex. Obviously, North Vietnam has been forced in the face of

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American attack to develop a strong spirit of nationalism. All the elements of the country, including organized religions, have had pressing reasons to support the national leadership. A vigorous anti-government position on the part of the Catholic church is almost unthinkable in such a situation. Especially is this true of a church whose development has been so implicated with French colonialism.

A Comparable Situation

Until recently, the Catholic church in the United States has been in a somewhat comparable situation. In the effort to prove themselves patriotic, most American Catholics have not felt free to criticize national policies with regard to war and peace. It is only now that the peace movement within the church could gain strength enough to have any influence. Compliance of the church in North Vietnam with the policies of Hanoi, therefore, is not adequate justification for writing off the church there.

Yet the American Catholic church continues to act as if the church in North Vietnam does not exist. This happens despite the grave responsibility we have to make up for past sins. Monsignor George Hussler, head of the German Catholic Caritas, once made a remark extremely relevant to the situation. Salisbury quotes him as saying of the events of 1954 and later: "The American church has much on its conscience so far as the people of Vietnam are concerned." He spoke with special authority, too, as the presumptive man on the scene for the Vatican.

Indeed the role of the American Catholic church in the whole series of events following the Geneva Accords does not make pleasurable reading. With the support of Cardinal Spellman, among others, Ngo Dinh Diem became established in this country as a hero of anti-Communism and thus a suitable ruler for South Vietnam. The hysterical flight of Catholics from the North was supported by the American Catholic community, especially those influenced by the writings of Dr. Tom Dooley. And the determination of the Diem regime to frustrate the provisions of the Geneva Accords did not meet protest from leaders in the American church.

A greater burden on the conscience of the American church is its silence since the escalation of the United States war effort in 1965. Since that time an increasingly large number of Americans have come to realize how immoral the whole enterprise is. But this realization has found expression in the official church only rarely and ineffectively. Even a recent statement of the fourteen bishops of the Boston Province, commendable as it is, was expressed so hypothetically as to lose its bite.

What makes the silence especially regrettable is that it amounts to a denial of brotherhood with the Catholics of North Vietnam. No matter what the qualifications one makes, we are still members of the same church. The concelebrated Mass in which I participated is a sign to the American Catholic church of a spiritual and religious unity which demands other kinds of expression as well.

Pope Paul has recently called for aid to North Vietnam. He expressed deep disappointment that his own efforts in promoting care for those in need there have not produced much help. It seems very much in keeping with the Pope's plan for individual church agencies with the backing of national hierarchies to come to the assistance of brothers and sisters in need.

If the Catholic church in the United States is really interested in peace and takes seriously its solidarity with members of the church throughout the world, it should be in continual dialogue with the Catholics of North Vietnam. Despite the obstacles inevitably imposed by warring governments, American Catholic bishops should be talking with the bishops, priests, and laity of North Vietnam in a common search for peace. Members of the Catholic church in South Vietnam could take part in this effort as well. Their contribution could be especially valuable since in Saigon they have already taken leadership in working for peace.

It is wrong to wait for governments to make peace. There is no reason why leaders in a church which by

definition transcends all national boundaries cannot work toward it. The Catholic church, by virtue of its presence in most of the countries of the world, has resources available to few other communities for establishing contacts between peoples. It would be tragic if the church in the United States continues to ignore its own resources for reconciliation.

At the conclusion of our concelebrated Mass, we priests of the United States and Vietnam went on record as committing ourselves to the work for peace. Our belief is that "this war can be resolved in the spirit of Pentecost, which is a spirit of unification in justice and peace of men of all tongues." Viewed in this context, the kiss of peace which I exchanged with brother priests from the "enemy" country is a token of profoundly human and religious contact which could be achieved between churches whose countries are at war.

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CHILE IS NOT CUBA – OR IS IT?

ROBERT KUTTNER

On July 11, the Chilean congress completed final approval of a constitutional amendment authorizing the expropriation of American copper interests. The eight-month-old government of President Salvador Allende has been socializing the Chilean economy at a surprising rate while seeking to continue friendly relations with the United States. The economic realities may soon catch up with Dr. Allende's hemispheric diplomacy, which State Department officials describe as "unexpectedly restrained."

Though the State Department is not pleased by Chile's recognition of Cuba and occasional dissents in the OAS, the Allende government has kept its membership in all of the hemispheric organizations from the OAS down which candidate Allende denounced. The Peace Corps and even military aid still operate. "Allende," says former Ambassador Ralph Dungan, "is bending over backwards to be a nice guy." Dungan was in Santiago when the U.S. was supporting Eduardo Frei's Christian Democratic government as a bulwark against Allende, and Chile was considered the "showcase" of the Alliance for Progress.

The policy of restraint is a logical one for the Allende government. At this stage, a breach with the United States and the international lending institutions which follow America's lead would have grave consequences domestically. It would further strain Chile's resources, which have been stretched thin by the rapid transition to a socialist economy. It would compel an early reliance on the Eastern bloc, which Allende wishes to avoid, if he is to escape dependence on his Chilean Communist Party allies.

"Chile is not Cuba" is a favorite axiom at both the State Department and the Chilean Embassy. It is not Cuba either politically or in terms of its lesser economic dependence on the United States. Writing in 1965, a RAND economist concluded a survey of pre-Castro American investment in Cuba with the understatement: "When Castro complained about the domination of the Cuban economy by the United States . . . the existing pattern of economic activity gave his argument an air of plausibility in the eyes of his followers."

In 1960, genuine economic conflicts of interest made it almost inevitable that any Cuban regime which undertook basic socio-economic transformations would collide with the United States. American interests dominated every major Cuban industry. As one index of comparison, the United States in the mid-fifties accounted for 59 percent of Cuba's exports and 76 percent of her imports. By contrast, last year 13 percent of Chile's exports and 30 percent of her imports were with the U.S.

To the extent that the United States has a chance of averting a total break with socialist Chile, it is critical that Chile has never been the virtual economic satellite Cuba used to be. It is also worth recalling that Castro's economic policies in 1960 came as a shock—so much so that in the twelve months *after* Fidel's entrance into Havana, new American investment in Cuba was higher than most years since World War II. By contrast, the Chilean nationalizations so far have been predictable, deliberate, and not in anger or retaliation.

But the Cuban analogy also suggests trouble. Despite the lesser commercial penetration and the low key diplomacy, economic realities have begun to intrude on U.S.-Chilean relations, just as they precipitated in the U.S.-Cuban deterioration in 1960.

Conflicts have emerged even before the final passage of the copper expropriation bill. In April, the Chilean government suspended shipments of copper ore to Anaconda Sales Company's principal refinery at Perth Amboy, N.J. Anaconda has the largest American copper holdings in Chile, and the most to lose. Chile has accounted for two-thirds of the company's sales, and three-quarters of its profits. The refusal of Anaconda to process copper in Chile has long been a source of resentment, among Chilean businessmen as well as Marxists. Chile is now shipping its own ore directly, and one of its new customers is China. Government officials have stepped in to direct operations at El Teniente Mine, although Kennecott, the second largest U.S. company, still retains a 49 per cent share. In the case of the Andina mine, which is owned by Cerro, the third company, discussions in May reportedly produced agreement on terms of expropriation, but the Chilean government has delayed formalizing the accord. Finally, the government contends that the companies owe it nearly $100 million in back dividends.

The government's expropriation formula provides for compensation over a period not to exceed thirty years

ROBERT KUTTNER *is a member of the staff at Station WBAI in Washington, D.C.*

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with interest of at least 3 percent. The Chilean government estimates the net worth of the American copper holdings at $724 million. The formula subtracts from this figure total previous capital transfers abroad, excess profits repatriated since 1955, payments already received under the 1969 partial nationalization, as well as conventional depreciation adjustments. The copper companies do not view these terms as fair compensation. A spokesman for Anaconda frankly states that he hopes Washington can apply some leverage.

Although the State Department says for the record that this dispute does not concern the U.S. government, the involvement is direct. The 1969 "Chileanization" accords, which Anaconda reluctantly accepted as a lesser evil, were negotiated by U.S. Ambassador Edward Korry, who was also intimately involved in the recent Cerro discussions. Reportedly, Korry is being kept in Santiago as a potential intermediary in the new talks, even though he is virtually persona non grata to President Allende, whose election opponent Korry openly favored.

The potential diplomatic crisis over copper is mitigated by general agreement in Washington that the copper companies have had a good thing for a long time. One U.S. official of a multi-lateral bank characterizes the history of American copper companies in Chile as one of "stupidity, greed, and self-aggrandizement."

President Allende compares the companies' original investments of about $10 million with their profits running well into the billions. Kennecott's profits from Chile total more than 200 times its original investment of $2.3 million. The Chilean government statistics show Chile accounting for 16 percent of Anaconda's investments, but 79 percent of its profits. The company's annual report for 1969 corroborates the estimate within a few percentage points.

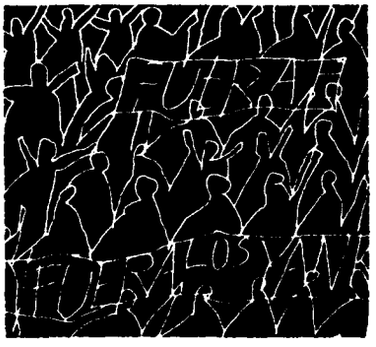
It is understandable that U.S. officials have little sympathy for the proposed compensation formula. "Unprecedented" is their kindest word for it. From the Chilean perspective, it is not so illogical to balk at further "compensating" investors whose initial investment has already been recouped dozens if not hundreds of times. For the United States to endorse this logic would require an extraordinary subordination of commercial to diplomatic interest. Even if the State Department were willing to "sacrifice" Anaconda and the others to prevent another Cuba, the precedent for the rest of the hemisphere is considered unacceptable.

If the copper negotiations do not break down at the outset, there will be a second likelihood of severe conflict as Chile's foreign exchange position worsens. Economic dislocations have put a strain on Chile's reserves, which would be compounded by steep compensation payments. Some officials and bankers here question whether the Chilean economy could sustain the added burden. U.S. observers doubt whether the nationalized mines can be run with enough efficiency to give the Chilean government the revenues they customarily provide plus enough for compensation payments on top of that. Politically, it will be increasingly difficult for President Allende to justify shortages and privations at home for the sake of the same American capitalists Allende himself has so consistently condemned.

Third, as negotiations proceed, the Chilean government will be facing problems of production, worker discipline, price control, and consumer demand resulting from the transition to a socialist economy. In order to justify stringent economic measures, the temptation will be great to throw in the towel on the copper negotiations and scapegoat the United States.

The strains are also reflected in relations between Chile and the banks in America's orbit. The bankers are not sympathetic to Allende's economic policies, and their coolness has required no prodding from U.S. officials. Much of international finance, remarks one banker, operates on a personal basis and the crew in Santiago "are not the sort who engender confidence."

The Allende Government is eager to maintain and expand lines of credit with both the commercial banks and



the multilateral lending agencies. The Chilean government development corporation, CORFO, has a New York office about twice the size of the Chilean Embassy. CORFO is worth about a billion dollars, making it one of Latin America's largest corporations even before it became the holding company for the nationalized industries. CORFO has enjoyed a consistently high credit rating, yet lines of credit have begun to dry up.

Of the dozen or so commercial banks which normally lend to CORFO, most will now extend credits only on restricted terms. A minority, including Morgan Guaranty, have reportedly ceased making loans to Chile altogether. With rare exceptions, all are restricting credit to 90 or 120 days. Guarantees from the Central Bank of Chile are now being required.

The Export-Import Bank, which is a U.S. Government institution, reduced Chile's rating from a "C" to a "D" after Allende's election. Bank officials insist that this was done on purely economic grounds, and if true this is no less interesting. Chile is making inquiries about Ex-Im financing for the purchase of three Boeing 707's. About

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$400 million is already owing Ex-Im from the 1966 copper "Chileanization" agreements, and the bank is reportedly dubious about extending additional credits. To complicate the financial equation, the jets are intended for the Santiago-Havana-Moscow route. According to one well-placed source, if the deal is approved, it will be only because the U.S. aircraft industry can't afford to lose the business.

The Overseas Private Investment Corporation, the government's institution which insures private investment abroad against expropriation, is also nervous. OPIC has "red-lined" Chile. Its total insurance written on American investment in Chile far exceeds its capacity to pay claims, and officials point out that a bail-out by Congress could lead to drastically worsened relations with Chile. The pattern of compensation so far belies this fear. Many smaller American holdings have been expropriated with compensation. Some, such as ITT, are still in negotiations. Others, including RCA and Dow, are continuing to operate as mixed public-private companies. OPIC has had seven preliminary filings for claims, all of them small.

The Inter-American Development Bank, which has been heavily staffed by Chileans including the present Ambassador to the U.S., should provide a counterweight. No new applications have been formally made by Chile; however an IADB mission recently returned from Santiago. IADB's response to Chile's needs will be a test of its nominally multilateral character.

A recent incident involving the World Bank is instructive. ENDESA, the Chilean Government electrical corporation, applied for a $60 million electrification loan. In the past, the Bank has made several loans to ENDESA. Negotiations have foundered over ENDESA's rate structure which the Bank contends produces an uneconomic rate of return. The Chilean government maintains that cheap electricity is a perfectly reasonable subsidy to other sectors. The application is still pending. It was not necessary for the ENDESA request to reach the politically appointed levels of the Bank for the conflict to occur, as was the case on two recent applications by Guayana and Bolivia on which the U.S. Director abstained.

Chilean Economics Minister Pedro Vuscovic Bravo stated the issue succinctly when he responded to Bank President Robert McNamara's pledge to treat Chile like any other country: "Yes, you will treat us like any other *capitalist* country." The multi-lateral banks are not entirely under America's political thumb, but their technocrats nonetheless think as capitalists.

The State Department is not seeking to ease the bankers' fears. One American who works for a multi-lateral bank observed that a forward-looking approach for the State Department would be to urge banks *not* to contract existing lines of credit, and to do everything possible to maintain normal trade relations.

"Whoever told you that," Chilean Ambassador Letelier remarked smiling, "is a very wise man." But no such policy is forthcoming. "Any influence we might exercise on the banks," a State Department official said, "would be just the reverse."

The State Department has maintained its distance from the Allende government. This policy has been criticized as making it more difficult for Allende to stay friendly. Critics cite the low-level delegation to the Inaugural, the coolness towards the unanticipated presence of ranking Chilean Ministers at the Alliance for Progress country review in February, and the cancellation of the carrier *Enterprise*'s planned visit to Valparaiso.

Obviously, deliberate affronts are not productive in international politics, but one must wonder whether a warmer diplomacy would make much difference, given the real economic conflicts. Advocates of a policy toward Chile of enlightened self-interest are really asking a society whose 'business is business' to behave like something else. Cuba may have taught diplomats some lessons, but the dominant impact of U.S. commercial and financial interests on Latin American relations has not been altered. Neither American banks nor businessmen are in the habit of underwriting exit visas from our economic sphere of influence, least of all in this hemisphere.

"Yankee go home" takes on a special twist in Chile. "Fuera Yankis de Chile," say the posters in Santiago, adding almost as a footnote: "Sin Pagarles" (Without paying them). The Yanks are going, that is certain. Only will they insist on going first-class?

REVAMPING THE VAMP

THE SCREEN

About a year ago a director asked Candice Bergen to say a naughty word. The excuse was that she was playing a (naturalized) Indian—one expects red savages to speak in Anglo-Saxon monosyllables—but since then every Jane and Ali has been using that word in movies. The reason seems to be that Hollywood producers, jaded from years of pornography, have had to turn to obscenity in their endless search for new thrills. The effect has been to give us the mistaken impression there's a new girl in town. This whoring, bad-mouthing (but lovable) bitch is in fact just last season's whoring, sweet-talking bitch, now transformed through the miracle of interchangeable parts. The female in question—or rather, the questionable female—is featured in at least a half dozen new films. But only my review of the following three got past the censor.

Alan J. Pakula's *Klute* asks the question, Can a dumb yokel cop find happiness with a tough New York call girl?

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It's a silly question and Pakula has the sense not to try to answer it. He's satisfied just to ask it in a way that will turn off or offend the fewest people, as if he were propositioning us for a very bizarre specialty number. Predictably the call girl (Jane Fonda) isn't as tough as she thought, nor is the cop (Donald Sutherland) as dumb. But compared to her he's still just a Pakula palooka like the college boy in *The Sterile Cuckoo.* Pakula's forte seems to be directing women. *Sterile Cuckoo,* though its scriptwriter was different, was also dominated by an aggressive, neurotic female role; and in it Pakula got his leading lady to overachieve just as he does here. He's particularly adroit at long takes and at getting his actresses to ventilate with conviction.

Since the characters and story are here very stylized, Pakula's direction is too. Camera angles and effects call attention to themselves much more than in *Sterile Cuckoo.* But Pakula's use of such devices, like his use of sex, never seems gratuitous. Especially effective is his use of two sets of tape recordings that figure in the plot and then turn into a voice-over commentary on the sound track. The first set is of the call girl turning a trick. It was made by a psychopath who wants to kill her. The second set is of her session with her shrink and is about this cop who wants to protect her. Pakula uses these tapes, with their fire-and-ice counterpoint, to better advantage than most directors use theme music.

In *The Anderson Tapes* the hooker is played by a ringer, Dyan Cannon, whose performances couldn't be improved by any director. This time the lady is riding high in a Fifth-Ave. co-op when one of her ex's (Sean Connery) gets out of prison and decides to knock over her whole building. Once Miss Cannon has supplied his entrée, the film turns into a conventional big-caper flick. With some cross-cutting between the heist itself and its aftermath, veteran director Sidney Lumet executes his part in the caper much more successfully than the crooks do. Connery's lead performance also gets the support it desperately needs from the supporting actors, especially Martin Balsam. None of this can come to pass, however, until Miss Cannon has had a chance to display her body, which looks as if it has been sprayed on her skeleton by a weather-proofing company.

As the title suggests, tape recorders are even more prominent in this film than *Klute.* But they're less essential as well. Lumet seems to be bugged about bugging, so, apparently adopting a gimmick of the novel that preceded the film, he tells his story by monitoring the surveillance to which various government or private agencies are subjecting the characters. But the robbery and the eavesdropping remain almost completely dualistic, mutually irrelevant plots. If Lumet's films have a distinguishing characteristic, it is the arbitrary association of ideology with melodrama. His liberalism goes back all the way to *Twelve Angry Men,* but it's seldom gone more than a few inches beneath the surface of his characters.

Mrs. Miller (Julie Christie), of the comedy team of *McCabe and Mrs. Miller,* is the nineteenth-century granny of the call girl in *Klute.* McCabe (Warren Beatty) is a gambler who buys a string of whores and opens a concession in a British-Columbia boom town. But it takes Mrs. Miller, who's an itinerant madame, to build McCabe's stake into a big business. Although she lived way back then, Mrs. Miller has an attitude toward her profession that would be acceptable to N.O.W.

Unfortunately Mrs. Miller is a better culture hero than movie role. Part of the problem is the script based on Edmund Naughton's novel. The slang and profanity of the world's real Mrs. Millers was so thoroughly obliterated from the public record of Victorian society, we can't begin to understand how her life might have sounded. Faced with such historiographical difficulties, Hollywood always fakes it. To make an historical film film seem remote in time, for instance, a contemporary director often uses special effects from the silent screen. This film does something similar with the dialogue. It approximates the nineteenth century by using a twentieth century idiom—such as "chippy," meaning girl—that is slightly out of date.

But more troublesome than the tinniness of the script is Robert Altman's direction. He has his players, particularly the leads, stumble and mumble their way through the roles. He seems to hope that if they are oblivious to the cameras and microphones, we'll accept them as people who lived before such things were invented. He himself even acted as if movie equipment didn't exist, for although he had the film's village built to order, he purposely made no allowance for getting cameras in and out of the buildings. This is cinemaesthetics worthy of von Stroheim—the kind of thing that makes the gaffers, grips and crews feel the historical realism very intensely, even if no one else does. The overall effect of Altman's direction is a studied sloppiness, a natural look obviously achieved, like the appearance of a self-conscious teenager, with the greatest affectation. The blizzard in which McCabe is eventually buried alive isn't the only snow job being pulled in this film.

COLIN L. WESTERBECK, JR.

Summer Schedule

In keeping with the usual practice, *Commonweal* is again appearing on alternate weeks during the summer months. Forthcoming issues will be dated August 20, September 3 and September 17. From then on we will resume our normal weekly publishing schedule.

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BOOKS

Bawds, Bellocq and the 'pursuit of happiness' in New Orleans

E. J. Bellocq: Storeyville Portraits

LEE FRIEDLANDER &
JOHN SZARKOWSKI

The Museum of Modern Art, $12.50

STU COHEN

In 1718 a small settlement was founded at the mouth of the Mississippi River. It continued to grow and by the 1850's it was apparent to all that New Orleans was no longer a small port town. It had become a thriving metropolis of some 125,000 people and very likely the largest center of prostitution in America. So pervasive was this "oldest profession" that the dollar income of the whores was second only to the income of the port itself. The City Council became somewhat alarmed at this state of affairs, and in 1854 it voted to control prostitution not by outlawing it, a measure antithetical to the Gallic heritage and financial interests of the politicians, but by the imposition of a tax. The Council formulated various licensing requirements and proceeded to put them into effect. Later that year, however, Emma Pickett, an enterprising madame, sued in court to recover the licensing fee paid by her to the city. The courts, ever attuned to the rights of the people, especially insofar as the "pursuit of happiness" was involved, upheld her suit and found the tax regulation unconstitutional. This clear victory for the bawds was celebrated by a parade through New Orleans described by one historian as ". . . one of the lewdest spectacles in American history." Carriages bearing hundreds of costumed and uncostumed women drove through the city while the riders shouted obscenities and enticed male bystanders into improvised erotic display.

During the next forty years prostitution flourished and whorehouses sprang up all over the city. Great fortunes were made and colorful madames now firmly ensconced in folklore built pleasure palaces of marble and brownstone with equally lavish interiors. Within her brothel at No. 40 South Basin Street, Kate Townsend's own apartments were said to have cost $40,000, replete with black walnut paneling and red velvet carpets. Kate was an innovator who allowed her very select clientele to open charge accounts.

By the late 1890's the forces of morality were joined by many property owners whose holdings were suffering from plummeting values whenever a new brothel opened. Total repression was never really a viable possibility (even that most moral of institutions, the church, owned some of the land upon which the houses stood) but various forms of control were proposed. Alderman Sidney Storey's was the voice that carried the day. In January 1897, Storey proposed a simple ordinance by which the city of New Orleans would establish a "certain district, outside of which it will be unlawful for prostitution to be carried on . . . and further, that the City of New Orleans should see to it that this ordinance be strictly enforced."

Unprecedented applause greeted the proposal and within a week it became law. A year's time was given for brothels to be moved into the District (as it became known) and it opened on January 1, 1898. The District soon became better known by another name, Storeyville, in tribute to the far-sighted alderman.

Storeyville was an historical "first" in the Western hemisphere—the establishment of a district within which prostitution could be carried on as a profession with the full legal support of government—and it thrived. Storeyville consisted of approximately 38 city blocks and had, at its height, some 2,200 registered whores. There were small "parlor houses" (usually staffed by two or three girls), over 1,000 "cribs" (individually rented cells opening onto the street), and at least 35 major houses. Many of these were large, ostentatious mansions, like Lulu White's famed Mahogany Hall, employing many girls and "ten entertainers who get paid to do nothing but sing and dance," or Josie Arlington's house, "Arlington," with its Turkish, Japanese and Viennese parlors. Storeyville had its queen in Lulu White and its undisputed king in Tom Anderson, described by one writer as, ". . . state representative from the Fourth Ward, financier, restauranteur, stool pigeon, whoremonger and pimp." Storeyville was also known as "Anderson County" and he ruled his empire with an iron hand. There was also a Social Register of sorts, the "Blue Book." This brochure, written by an ex-newspaperman, Bill Struve, described the District, its houses and madames, and contained a complete list of the working prostitutes.

The century drew to a close and Storeyville continued to prosper. Then the Great War came and sailors flooded the area. In 1917 four sailors were killed in Storeyville and Josephus Daniels, then Secretary of the Navy, ordered the mayor of New Orleans to close the District. The mayor tried to have the order lifted to no avail and at one minute after midnight on November 13, 1917, Storeyville was no more.

This is the milieu and some of the history that produced a set of extraordinary photographs recently exhibited and published by the Museum of Modern Art. The photographer was E. J. Bellocq. His life and the bulk of his work can only be alluded to, reconstructed in barest outline from the few facts and remembrances which survived Bellocq's death in the late 1930's, like the negatives from which these prints were made. He was a

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small, misshapen man, "a hydrocephalic semi-dwarf," called papá because of his thick French accent. He worked as a commercial photographer in New Orleans, primarily for the Foundation Company, a shipbuilding concern. Bellocq was a frequent visitor to Storeyville and he knew many prostitutes. He is reputed to have done a series of photographs in New Orleans' Chinatown which included interior shots of opium dens and other usually inaccessible (to whites) places, but this, like his commercial work, has disappeared. This, then, was E. J. Bellocq—a handful of reminiscences by people who met him, edited into a text by John Szarkowski, and a stack of glass negatives found in a desk after his death.

There are 89 negatives, all portraits of Storeyville prostitutes. The glass plates seem to have been made about 1912. In 1958, Lee Friedlander, a photographer, saw the negatives in an art gallery in New Orleans. He returned several times in the next few years and in 1966 he persuaded the owner, Larry Borenstein, to sell them. Friedlander tried to make prints using conventional techniques and found them unsatisfactory (the tonal range of the plates was not compatible with that of modern bromide papers). Finally, he was led to an older, turn-of-the-century, technique involving Printing Out Paper (negative and paper are exposed to the sun for long periods of time). This is somewhat more extensively described in Friedlander's preface. The prints were made available to the Museum of Modern Art and John Szarkowski, Director of the Department of Photography, chose over 30 for exhibit and subsequent publication in this volume. Because none of Bellocq's prints survived as a guide, the resulting photographs are really a collaboration between Bellocq, the photographer, and Friedlander, the printer.

These are pictures of prostitutes—or rather, they are portraits of individual women who happen to share the same occupation. Although some are pictured nude, none are seen as mere sexual objects (to use the *au courant* phrase). On the contrary, one gets the feeling that, for Bellocq, all of these women were his lovers (spiritually, if not physically). The frontispiece to the volume is a photograph, by Friedlander, of Belocq's desk. The desk and the wall above it are covered with pictures of women, including framed portraits of two of the women included in the book. His fascination with women is obvious. How much of this fascination was erotic is not so obvious.

The photographs tell us a great deal, however. Bellocq responded to his subjects as individuals. Moreover, his subjects return the interest and involvement. They are obviously relaxed and comfortable with Bellocq, but there is something more. It is not just a lack of nervousness; Bellocq seems to have pierced his subjects' defenses. He has made them comfortable enough to reveal themselves as they are or as they would like to be. From this springs the tremendous variety of mood exhibited by the photographs. Some, like the exquisite cover photo of a reclining nude, glory in the physical. Others are naive and sentimental, including poses with pets or flowers. Still others present their subjects dressed up with long dresses and jewels, leading a life of quiet elegance somewhere beyond Storeyville. Some women are coy, some are wistful, and others are just exuberantly happy—all of these feelings are conveyed gently and lovingly.

The decades between the making and reprinting of these negatives have wrought great physical changes on the glass surfaces. They have suffered cracks, scrapes, gouges, dirt and grime (in several cases such destruction was deliberate—some of the faces have been scratched off, why, or by whom, no one knows).

The effects of such degeneration can be painstakingly eliminated to a very great degree from prints; however, Friedlander chose to leave them. In this he is not alone. Other photographers reprinting "found" negatives, like Brian Pelletier at the Rhode Island School of Design, have followed a similar course. They may have done so because such marks are part of the "life" of the negative, or because the accidents of time have added a new dimension like the patina of an ancient bronze.

This interplay of deliberate and accidental elements is extremely successful in several instances. In plate 6, one of the plainer portraits is transformed by a crack across the entire surface which almost mirrors the neckline of the woman's dress and creates a new sense of balance. The defects in plate 10 printed as a large white area behind the sitter. This cloud-like mass becomes fertile ground for the viewer's imagination. Plate 24 becomes a voyeur's discovery—the darkened areas of the plate suggest a large keyhole through which the sitter is seen. The final plate is so cracked that it takes on the aspect of a surrealist jig-saw puzzle by Paul Delvaux (if such a thing can be imagined).

It must be stressed, however, that while the vagaries of nature and poor handling add an interesting dimension to many of the prints, their great power comes from Bellocq's vision and his rapport with the subjects. These are remarkable photographs, not because of technique (they are not milestones in photography), but because, as John Szarkowski aptly states, "seeing [them] . . . we are persuaded that he had knowledge of the nature of other human beings." That is what fine portraiture is all about.

Don't Shoot—We Are Your Children

J. ANTHONY LUKAS

Random House, $8.95

WILLARD GAYLIN

Don't Shoot—We Are Your Children is a series of ten profiles of a seemingly unconnected and disparate group of young Americans. The ultimate relationship of this strange, mixed bag is to be found in the interest and intentions of the author, J. Anthony Lukas. In his brief introduction he states, "I chose the ten people in this book not so much because they represented anything but because they intrigued me,

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because I wanted to know more about them and, in most cases, because I liked them."

If the content of the book reflects the author's intellectual response, then the purpose of the book resides in his emotions. The young have got to him, and he is their advocate. But (like Norman Mailer's *Why We Are in Viet Nam*) the title and only the title is a direct preachment. All else is indirect. No victims of Jackson State or Kent State are even included, yet they are there. And every intelligent and compassionate chapter is a silent plea to consider them and understand them.

The hostility to the young is one of the more frightening aspects of a confused and unsure society in change. It is seen at its most ludicrous in the results of a most recent poll in which the American public listed, "campus unrest" as the single most important problem facing this country. More people were evidently disturbed, outraged, or threatened by the campus riots than by the Vietnam war, hunger and poverty, racial discrimination, the destruction of the cities, the chaos in education, the population explosion, the reduction of our environment, or the erosion of our values.

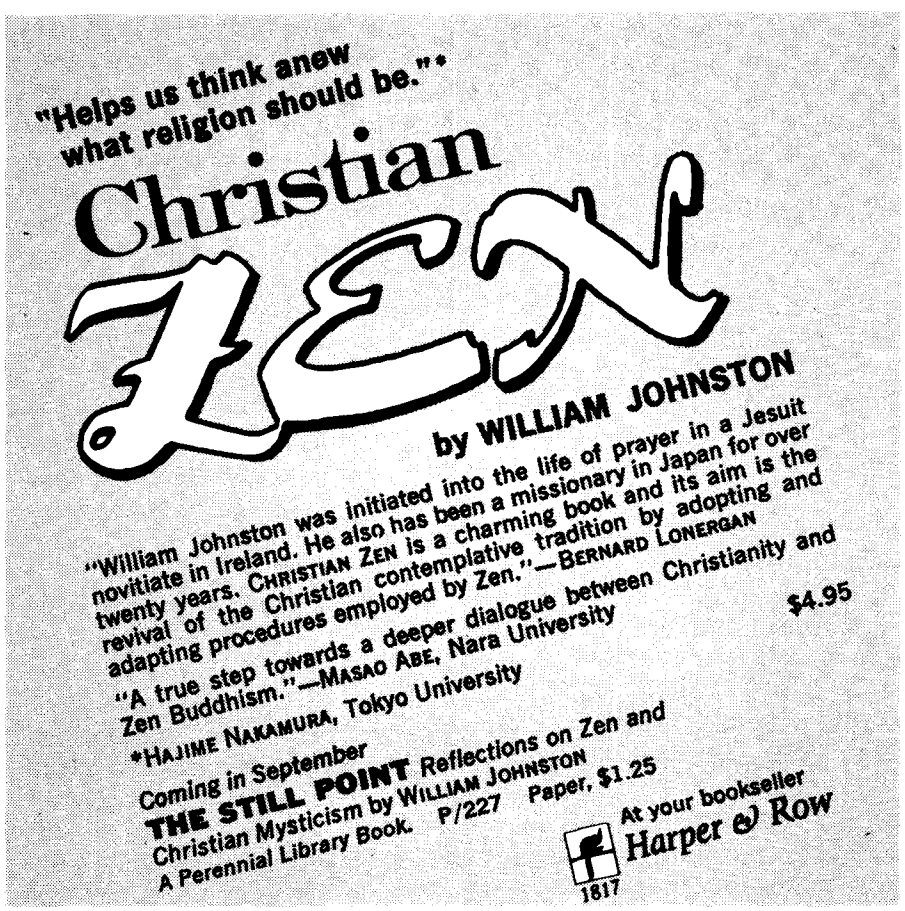
This hostility is seen at its most threatening in the obscene rumors and hate mail concerning the dead children at Kent State as reported by James Michener in his book on that subject. According to the hate mongers those dead children were, "syphilitic," "covered with lice," "pregnant," "tatooed from head to toe," "armed with hand grenades," "commune living," "hophead," "communist," "whores." Presumably any one of the above was seen as justifying their execution. The fact that the victims were in actuality representative, innocent, and attractive would not be accepted or believed by the American public at large. Some irrationality in the state of the adult conscience required more censure than pity.

I experienced this irrationality first hand the day after the Kent State massacre. I had desperately tried to sleep that night, hoping for time to encompass the meaning and soften the impact. But neither my wife nor I could sleep and we talked until we had exhausted each other and could no longer find comfort in each other. I arrived at the train station, wondering if I could get through the day, with a compulsive need to find another human being to share the burden. At the station I approached the first person I recognized, a neighbor of mine, a gentle man, a quiet man, a meticulous gardener, and the father of six children. I expressed my dismay and confusion in some vague terms and his response was brief, self-assured, and to the point. He said simply, "They deserved it."

It was like a slap in the face and for a moment the only response I could think of was retaliation in kind, but one doesn't do that at a commuter station at seven thirty in the morning to a quiet, gentle neighbor. Every obscene word in that sentence denigrated life. "They." "Deserved." "It." Who in God's name were "They" or more exactly what was "They," because as seen by this man they were some conglomerate inhuman mass, some hydra-like monstrous thing. Yet if anything in the news report was clear, it was the haphazard, chancy, meaningless, heartbreaking, lunatic randomness of the massacre. They were the sacrifice of Isaac that God forgot to stay.

What does deserve mean in this context? "To be worthy of?" "To have a right to?" "To merit?" Why did these children "have a right to" death before they had lived complete? What did they do that was "worthy" of this? What did they achieve that "merited" the aborting of their life before their chance for fulfillment?

Above all it must be remembered that this thing which they deserved—was death; that which we all eventually receive and never feel "deserved"; that which most civilized countries reserve as the privilege of God, and which the less civilized abrogate only for crimes so heinous that conscience can permit its own violation.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Of course murder requires a human victim. As long as we see those with different values, those with different dress, those with different manners as less than human we will be able to tolerate Kent State, and accept Mylai.

In terms of the aberrant young, Lukas brings the "they" into a focus and exposes the separate human beings simply and beautifully. It is not an easy task. There is something inherently self-defeating in writing a profile about a nineteen-year-old. The story is incomplete. It is the first act of a play and the more successful the author the more frustrating. We want to know more. We want to know how it comes out, but there is no more and we may never know how it comes out. Upon completion of a chapter there is often a sense of dissatisfaction with the arbitrariness of the end point. It is perhaps a bit macabre to note that because of this his technique is most effective with the dead or the near dead. To me the most successful chapters were the stories of Linda and Groovy, both murdered, and Jim drifting between drugs and despondency—suspended and non-living. I suspect, also, that the author's interest determines his effectiveness; he seems at his best with the urban and way out kids, weakest with the rural and middle Americans. But there is no chapter that is less than well done. The reader too brings his biases and the reader's temperament will also determine the effectiveness of any individual chapter. And what a choice you have. Among others; a black poet from Watts, a Peace Corps volunteer in Peru, an SDS leader at Harvard, a war resister in prison, and, of course, an ubiquitous Jerry Rubin.

It is easy to describe the kind of writing that appears here as good reporting, and by such description minimize it and trivialize it. Simplicity of style and clarity of prose are never products of mechanical observation and listing of data. Certainly here one senses the careful selection and ordering of the author. This is not objective reporting; there probably is no such thing. At any rate what is usually described as objective refers to a kind of style rather than a fact of content. Lukas makes no pretense to this, you need only contrast his attitude toward the parents of Sue Thrasher and Linda Fitzpatrick to sense the true emotion of the author. His affection for the former is obvious. He respects the essential decency of these parents who, while confused by their daughter, are always sympathetic to her aims. In marked contrast is his anger at the frightened denials of reality and isolated avoidance of issues that characterize Linda's parents.

Mr. Lukas is a loving man, and it makes his book a lovely book. If I have emphasized the negative it is because of my sense of urgency. The book is not negative. It is filled with hope, and goodness, and dedication, and commitment. It is a tonic, and one that all of us over thirty could certainly use. Let Mr. Lukas introduce you to your children. They are not all bad. They are not bad at all.

The Religion of the Republic

ED. BY ELWYN A. SMITH

Fortress Press, $8.95

GEORGE H. FREIN

In 1967 Robert N. Bellah advanced the idea that "There actually exists alongside of and rather clearly differentiated from the churches an elaborate and well institutionalized civil religion in America." American "civil religion" (the term is Rousseau's), he wrote, is a collection of beliefs, symbols and rituals that has a seriousness and integrity of its own and merits the same study as any other religion.

In *The Religion of the Republic* Elwyn A. Smith has solicited eleven essays that take "the *general* American phenomenon of religion" as a topic for serious study. "If no 'religion of the Republic' differentiated itself from the surrounding society," Smith argues in the foreword, then "something of the reverse occurred: religious meanings and values were attributed to the American Republic." As the reader might expect, "religion of the Republic" is not a synonym for "civil religion" in this volume.

In the first essay John Wilson of Princeton concludes that though ". . . certain symbols, ceremonies and patterns of behavior within contemporary American society . . . are widely experienced by individuals and groups as religious . . . these phenomena are not accorded the kind of status appropriate to a religion." Wilson's is clearly the best critique of Bellah's thesis to date, though his attempt to hold Bellah to Rousseau's meaning of "civil religion" is less than convincing. Religion functions quite differently for contemporary Americans than it did for Frenchmen in the civil and ecclesiastical life of Rousseau's time; for us it has more to do with personal and national identity than with social order.

Two other essayists refer directly to civil religion. Robert Michaelsen examines the public school as the primary institution for the inculcation and practice of this religion. Though he stops short of saying that the schools teach a common religion he does talk about a "common religionizing" among men of various religious affiliations with the public school as its primary center. J. Earl Thompson uses Bellah's statement that the sources of the civil religion in America are the Enlightenment and evangelical Protestantism to show how racist the Religion of the Republic is. He depicts Thomas Jefferson, for whom payment of "monetary debts constituted a more immediate obligation than manumission," as an Enlightenment racist and Lyman Beecher, well known theologian, preacher and moral crusader for forced colonization of Southern slaves to Africa, as a racist in the evangelical Protestant tradition. None of the writers in this volume, including Thompson, views the religion of the Republic as an idolatrous worship of

REVIEWERS

STU COHEN is with the Center for Criminal Justice at Boston University.

WILLARD GAYLIN is an associate professor of psychiatry at Columbia University.

GEORGE H. FREIN teaches at the University of North Dakota.

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the nation, a clear sign of progress in the discussion of civil religion. Michaelsen explicitly acknowledges the presence of an effective prophetic element in the tradition that has kept one great nationalistic faith from developing in America.

Sidney Mead, perhaps the most perceptive student of what he has long designated as the religion of the Republic, writes for this volume that the United States is after all a "commonwealth" and its existence implies "that at its center must lie a constellation of ideas and standards that bind its people together." In this connection he interestingly observes that as the ecumenical movement threatens the sectarian roots of self-identity, roots already weakened by a long period of pluralism, many laymen like himself have come to agree that God "has permitted a common type of faith and life to emerge from the freedom and denominational variegation of American Christianity." The only question now is: What is that faith?

Readers familiar with the history of Catholicism in America will find Fr. Thomas T. McAvoy's story of American cultural impacts on Catholicism a very competent narrative. Dorothy Dohen has the more difficult task of describing the "new quest" of American Catholicism. She convincingly argues that the tradition of identity crisis that has plagued American Catholics in what appeared to their pastors as a Protestant country is not a part of the tradition of young Catholics. They have thrown over not only the religion of the Catholic ghetto but also the faith and identity crisis of their liberal Catholic elders. For that reason they identify simply as Americans (though highly critically ones, I would add) and have the exciting chance to search for the "something Other" with people of all religions and none. This quest is new because the Catholicism that tried to protect its members from their environment has failed in this generation to achieve its goal.

Rabbi Jacob Agus ably describes the impact of the American spirit on Jewish immigrants. He sees American faith as "faith in Faith"—a generalized reverence for the "common core" of Western religions. Jewish immigrants, he argues, experienced the tensions of the old faith between traditionalism and modernism for example, but they experienced them more intensely in America than in Europe. As a result, within two generations the vast majority of American Jews have come to occupy a central position within Jewish ideology and only a very small minority hold to the poles of rigid Orthodoxy and secularism. "The predominant feeling of American Jews is that Americanism at its noblest is one with the creative élan of Judaism, that America is not another nation but the vital nucleus of humanity. . . ."

The Religion of the Republic is not another book about the variety of religious denominations found in America, a fact especially evident in the essays that tell of Protestant life. The principle of voluntaryism, an American, not a Protestant, principle, relegates all denominations to the status of private organizations and clears the way for the Republic to borrow at will from the churches those ideas that it will formulate into the only official and truly common articulation of American identity and mission. J. F. Maclear's essay, "The Republic and Millennium," shows how the pious vision of a dawning millennium was nourished in the American denominations but became a post-Protestant and civic idea. When he writes "Today, faith in America's world-redemptive mission is largely a secularized confidence, without sense of grace or judgment alike . . ," he seems, however, to dismiss the religious sources and character of millennial feeling too quickly. The Republic's expression of the millennium was always non-denominational and was never as Christian as that of the denominations. Themes of grace and judgment have not been completely absent in conversations about foreign policy even during the 1960's.

The Religion of the Republic is an unusually valuable collection of essays, partly because it is not just a book about religion in America but about the religion of the American Republic and partly because the authors do advance the inquiry into "the *general* American phenomenon of religion," as the editor intended. The book should have wide appeal to people trying to understand America today as well as a special appeal for those who have been following the debate on the civil religion in America.

CORRESPONDENCE

(Continued from page 395)

me how sensitive he was; the tears came to his eyes when he thought of the poor Vietnamese!

Perhaps a little more stress on logic at all levels of our educational system would do away with some of the illogical rhetoric we hear so constantly.

To end on a more cheerful note, I recently met a couple who really believed in the overpopulation propaganda, so instead of having a fifth child of their own, they were going to adopt a child handicapped in some way whom no one else would adopt. As

THE DOWNSIDE REVIEW

APRIL, 1971

Prior Roland Gosenell and the Wenlock Register *W. F. Mumford*

The Logos Theology of St. Justin Martyr *L. W. Barnard*

Eastern Appeals to Rome in the Early Church: A Little-Known Witness *J. J. Taylor*

The Intelligence of Mystics *Basil Douglas-Smith*

The Prayer of Continual Turning towards God *Graham Smith*

Montalembert and "Idolatry" *Bernard Aspinwall*

Correspondence
Reviews of Books

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long as we have people like them and Dr. Zahn around, there is hope for survival and morality! and logic!

(SISTER) HELEN BURKE, RSCJ

Ann Arbor, Mich.

To the Editors: I believe the present debate over the moral and legal implications of abortion would take a significant step forward were more of us to take seriously a statement of Gordon Zahn [May 28]: "society does have a responsibility to find answers to these problems that do not involve the sacrifice of human life that has begun."

The moral concern of Catholics over the life of the unborn has yet to be authenticated by deeds. Let the Catholic parents who sign a statement opposing legalized abortion also announce a decision to adopt and raise as their own one of the unwanted children whose life is of such concern to them. The next time the Catholic hierarchy speaks out against abortion, let it at the same time announce the commitment of substantial funds for the care of unwanted babies and their mothers. If the concern for life is genuine, these actions will be spontaneous. If not, what value verbal condemnation?

Zahn has argued very cogently that life is dependent on other life and for that reason imposed obligations. The mother has an obligation to her dependent child. Society has an obligation as well to a mother and unborn child in a predicament that makes them especially dependent. Before we discuss the immorality of a mother who fails to discharge her obligation, let us do something about the immorality of a society that fails to discharge its.

JOHN N. KOTRE

St. Paul, Minn.

To the Editors: Gordon C. Zahn's article on abortion is a clear, well-stated argument for the "sanctity" and "intrinsic worth" of human life and against abortion as a denial of the inherent human rights of the unborn fetus. His "Christian obligation," however, impels Mr. Zahn to neglect or deliberately avoid some burning questions in the abortion issue. Among these are: 1) Should *any* group, whether Christian, non-Christian, irreligious or pacifist, be able to compel, by force of law, everyone else to abide by the beliefs of that group? and, 2) Is the *quality* of life as important a human value as life itself?

As a pacifist (I was a conscientious objector *in* the Army ['67-'69] and have more completely developed my ideas and philosophy since then to conform to a basically traditional pacifism), I share Mr. Zahn's view of the absolute value of human life. In this regard, however, I think it should be recognized that not all pacifists are religious pacifists with a Christian or other specific religious base. There are many other people who are not pacifists and are against abortion. And there are still others, a large segment, who are not disposed as those against abortion. For anyone, pacifist or not, the issue is, indeed, complex, involving moral, legal and, yes, scientific disparities and inconsistencies. I repeat, however, that a central issue here lies in the degree of control of one's actions we will allow the government, at whatever level, to exercise.

Inclined as I am to agree with Mr. Zahn's compelling moral argument, nevertheless I am also concerned about the apparent lack of recognition of the prevailing attitudes concerning pregnancies resulting from rape, pre-marital or extra-marital relations, or out of an ignorance of the consequences of sexual intercourse. I agree that "society's" responsibilities are great, but "society" has not taken on those moral burdens and it will not do so until there are radical changes in its philosophical, ethical and moral values. The psychological harm caused by rape will be (is), in view of prevailing mores, too often aggravated by the forcible bringing to term of the unwanted pregnancy. I must then ask why such violence as this surely is, is any less immoral or reprehensible than abortion? Why force such a deep and possibly traumatic unhappiness on anyone? Why, when "society" uses the usually condemnatory words "accept the consequences," is abortion more repugnant than such a hypocritical and callous unfeeling for people?

None of this is to suggest that there ought not be moral pressures, along with education, brought to bear on everyone by those who believe strongly that abortion is wrong. It *is* to insist that to embody these beliefs in criminal law is the height of restrictive and undemocratic procedures. It is to allow us that right to our own bodies that is also inherent and that is not the concern of any other person or government. And it is, in my view, to thus allow for that quality of life and freedom of conscience inherent at birth and which we are only beginning to really understand and be concerned about in our tight little world.

MICHAEL F. DRISCOLL

New Haven, Conn.

To the Editors: Gordon Zahn's article on abortion [May 28] was a beautiful example of the kind of well-reasoned, thoughtful yet prophetic writing which many of us have treasured in your magazine. I agree with the basic thrust of his reasoning on the value of human life, pre-natal and post-natal, whether that of the non-combatant in a war zone or that of an infirm candidate for euthanasia. And yet, my agreement derives from a position which is not

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wholly concurrent with his. For I am not a pacifist in the absolute sense that Gordon Zahn is; that is, I do *not* agree that the *only* moral stance of a humane person (including, to be sure, a person of Christian faith) is that which rejects all use of force and violence in "self-defense" (taken in its multiple manifestations), though I unhesitatingly acknowledge the high moral legitimacy of such a stance, precisely as a valid prophetic response to the crisis of our times. This leads me to raise a question.

Must we assume that, fundamentally, the only benefit of prophetic witness such as Zahn gives us is to be found in the cogency with which he shows that his rejection of abortion is "the only answer compatible with a pacifist commitment?" Are we to be left with the impression that Zahn's arguments can really be dismissed as "unrealistic and even irresponsible" by those who do not share his "pacifist approach" and, therefore, differing with him on his explicitly formulated basic approach, may assume that his "pacifist case against abortion" is *only* that?

Surely the thrust of his arguments on the relationship of society and the individual human person—his "social ethics" if you will—transcends the formulated basic approach of pacifism, considered as a position not shared by many who abhor the enormities of the Vietnam war and reject the arguments for (and practice of) "liberalized abortion." If Zahn and others who agree with him could be persuaded to take a less sectarian view of themselves, would not the prophetic impact of their pacifism be more powerful? I would suggest that, if it might help them to see this, they conceive of all the rest of us as "anonymous pacifists" (after the manner in which Rahner urges us as Christians to regard many of our non-Christian confreres), since the logic of that viewpoint demands an openness to the universal character of pacifist particularity (just as Rahner's view of "anonymous Christianity," understood as he really means it, is a demand for openness to real Christianity in those apparently so different from Christians). Then, argumentation as lucid and as compelling as Zahn's need not give the impression that it is by and for only those who have committed themselves to pacifism; moreover, such argumentation would be displayed in its *wider* character as sane intellectualism rather than as, by veiled implication, dependent upon an individualistic and voluntaristic "option" about what is basically "good" and what "bad"—as if this were a matter about which polite and modern people should never argue. Many, like myself, who cannot agree with his basic pacifist option should be straightforwardly confronted by his very good reasoning against abortion, reasoning which derives from positions on the nature of man and society which are more basic than (though not, of course, simply incompatible with) his pacifist position.

This protest should not be taken as in any sense a depreciation of what Zahn has said, but as an appeal for a larger view of the responsibilities of pacifists such as he for the quality of contemporary ethical discourse.

JAMES F. BRESNAHAN, S.J.

Leavis Alone

Providence, R.I.

To the Editors: I have watched in silence while the general level of *Commonweal*'s book-reviewing plunged. When your young lady graduate student reviewed books on American colonial history I said nothing, although it was obvious that she knew nothing about a) American historiography, b) colonial American literature. But you have gone too far. Mr. Brian Wicker's review of *Dickens the Novelist* is perversely incompetent, fashionably (where the Leavises are concerned) snotty, glibly superficial, and altogether outrageous. I could write pages, but three points are in order.

1) It is hard to believe that Mr. Wicker has actually read *The Great Tradition;* if he had he wouldn't sound quite so stupid in his dismissing it. What he has failed to grasp is the idea of "tradition" that informs that book. Dickens is *not* central to *that* tradition and *Dickens the Novelist* is not a "retraction." The English novel is not so narrow a thing as Mr. Wicker thinks.

2) To call T. S. Eliot an "anti-Lawrentian whom the Leavises have little time for" is nothing short of incredible. Has Mr. Wicker read *New Bearings in English Poetry?* Who was it that first argued the case for Eliot's poetry? Has Mr. Wicker read *English Literature in Our Time and the University,* a book of only a year or so ago? The argued thesis there is that Eliot's poetry is vitally important in a "technologico-Benthamite age."

3) To say that "F.R.L.'s chief characteristic as a critic is his passion" is a bit of patronizing unworthy of an intellectual journal. It may be Mr. Wicker's way of protecting himself from the challenge of Dr. Leavis' work, but, like so much else in Mr. Wicker's "review," it is simply untrue. BRIAN M. BARBOUR

Birmingham

REPLY: Mr. Barbour, like most committed Leavisites, needs to work himself into a fury of contempt for those he disagrees with before actually saying anything substantial. No doubt this is why he feels the need to write pages. Even so he wastes most of his space on insult and innuendo. It is easy to play the "have you read such and such?" game. I bet I can think of lots of books I've read and Mr. Barbour hasn't. No, I have not read *English Literature in Our Time and the University.* There! Mr. Barbour. I stand convicted by my own admission of obvious ignorance, gross incompetence, superficiality, snottiness.

To come to more important matters, there was one serious misprint in my review which would have misled a careful reader (though Mr. Barbour doesn't make a point of it, which makes me wonder if he's read my review): the word *theatrical* in the third paragraph of the first column on p. 338 should read *rhetorical.* Obviously any competent, profound, knowledgeable and unsnotty reader would realize that "theatrical" is not a term that could be applied to F. R. Leavis. I wonder why Mr. Barbour didn't notice it?

BRIAN WICKER

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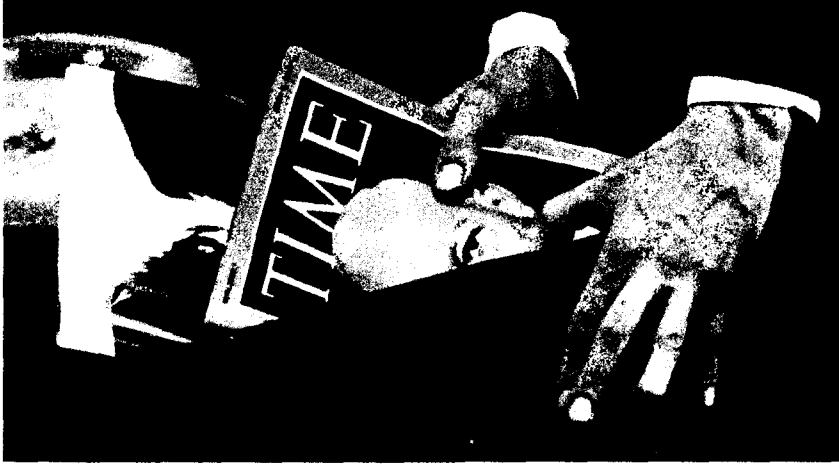

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